

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CHARLES LUTZ, derivatively on  
behalf of ASSERTIO  
THERAPEUTICS, INC. f/k/a  
DEPOMED, INC.,

Plaintiff,

v.

C.A. No. 18-2044-CFC

ARTHUR JOSEPH HIGGINS, JAMES  
A. SCHOENECK, AUGUST J.  
MORETTI, SRINIVAS G. RAO,  
MATTHEW M. GOSLING, JAMES P.  
FOGARTY, PETER D. STAPLE,  
KAREN A. DAWES, LOUIS J.  
LAVIGNE, JR., JAMES L. TYREE,  
WILLIAM T. McKEE, DAVID B.  
ZENOFF, SAMUEL R. SAKS,  
VICENTE ANIDO, JR., ROBERT G.  
SAVAGE, and GAVIN T.  
MOLINELLI,

**JURY TRIAL DEMANDED**

Defendants,

and

ASSERTIO THERAPEUTICS, INC.  
f/k/a DEPOMED, INC.,

Nominal Defendant.

**JOINT STATUS REPORT**

The Parties in the above-captioned action (“Action”) file this statement in response to the Court’s July 21, 2021 order directing the parties to file a joint status update on the status of settlement negotiations.

On July 30, 2021, the parties in the class action captioned *Aurelio Scarpatetti, et al. v. Assertio Therapeutics, Inc., et. al.*, which was on appeal to the United States Court of Appeals for the Ninth Circuit, filed a Joint Stipulation to Voluntarily Dismiss the Appeal Without Prejudice, stating that the parties had reached a settlement, which needs to be approved by the District Court to be effective. If approved by the District Court, the settlement will end the class action litigation and this Action.

/s/ Seth D. Rigrodsky

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Individual Defendants*

Dated: August 2, 2021